IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MS JUSTICE G.ROHINI**

**WRIT PETITION NO : 13335 of 2004**

Between:

Smt. Bichamma W/o. Laxmaiah,
H.No. 8-73, Prashanth Nagar, Lenin Nagar,

Meerpet Village, Saroornagar Mandal, Ranga Reddy District.

**..... PETITIONER**

AND

1 The Superintendent of Police, Ranga Reddy District.
2 The Station House Officer, L.B. Nagar, Police Station,

Cyberbad Commissionerate at L.B. Nagar, R.R.Dist.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not apprehending the Accused persons in pursuance of the Cr.No.467/2004 though the said crime was registered on 29.5.2004 as illegal, arbitrary, against to the principles of natural justice and consequently direct the respondents to apprehend to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.

**Counsel for the Petitioner: NAKARIKANTI PRABHAKAR**

**Counsel for the Respondents: GP FOR HOME**

**The Court made the following :**

**ORDER:**

The petitioner states that she belongs to Scheduled Tribe community and residing at H.No. 8-73, Prashanth Nagar, Lenin Nagar, Meerpet village, SaroorNagar Mandal, Ranga Reddy District. It is alleged that on 13-05-2004, some persons namely Jangaiah, Srisailam, Rama, Manga, Bhoguramma, Ayyamma attacked the petitioner as well as her husband and beat them mercilessly and abused them in most filthy language by taking their caste and also threatened them with dire consequences. Again on 14-05-2004, the said persons attacked on the petitioner, her husband and her daughter-in-law, as a result of which her husband sustained fracture injury to his hand. In the circumstances, the petitioner lodged a complaint against the said persons on 26-05-2004 before the 2nd respondent-Station House Officer, L.B.Nagar Police Station, Cyberabad Commissionerate at L.B.Nagar, Ranga Reddy District. However, the 2nd respondent did not initiate any action. Subsequently, when the petitioner lodged a complaint through the General Secretary of Madiga Reservation Porata Samithi, A.P., a case in Crime No.467/2004 was registered on 29-05-2004, for the offences under Section 3(1) (x) of S.C., S.T., (Prevention of Attrocities) Act, against the said persons. Now, the grievance of the petitioner is that even after registering the crime, the respondents failed to take any further steps and no arrest, whatsoever, have been made so far. On the other hand, the accused persons have been frequently visiting the house of the petitioner and threatening the petitioner and her family members with dire consequences and pressurising them to withdraw the complaint lodged by her. Hence this writ petition, seeking a declaration that the action of the respondents in not taking action against the accused persons in pursuance of Crime No. 467 of 2004, dated 29-05-2004, as arbitrary and illegal.

In pursuance of the notice, on behalf of the respondents, a counter affidavit has been filed by the Assistant Commissioner of Police, Saroor Nagar, Cyberabad, stating that

on the basis of the complaint received from the General Secretary of Madiga reservation Porata Samithi, a case in Crime No.467 of 2004 has been registered against the accused i.e., Jangaiah and others. It is further stated that after registering the case, on the very same day, the Station House Officer, L.B.Nagar Police Station addressed a letter to the Commissioner of Police, Cyberabad, requesting to appoint an Investigation Officer in the above case. Accordingly, orders were received on 05-08-2004, from the Commissioner of Police, appointing the Assistant Commissioner of Police, Saroor Nagar, as Investigation Officer. Now, the case is under investigation. It is further stated that the petitioner earlier lodged a complaint against one Jangaiah, for whose arrest the petitioner is now seeking in this writ petition. It is further stated that on the basis of the said complaint, a case was registered in Crime No.299 of 2004, under Section 324 of Indian Penal Code in L.B.Nagar Police Station. Further, the same was ended in compromise on 30-04-2004. It is also stated that the said Jangaiah also lodged a complaint against the petitioner and the same was registered as Crime No.305 of 2004 under Section 324 of Indian penal Code, and a charge sheet was also filed before the Court and the same was numbered as C.C.No.1467 of 2004 and the case is under trial.

From the averments made in the counter affidavit, I do not find any basis in the alleged inaction on the part of the respondents. As can been seen in pursuance of the orders received from the Commissioner of Police dated 05-08-2004, an Investigation Officer has been appointed and the investigation is under progress. Accordingly, the writ petition is disposed of, with a direction to complete the investigation and to take necessary steps in accordance with law. No costs.

_____

23-09-2004

vs

To

1 The Superintendent of Police, Ranga Reddy District.
2 The Station House Officer, L.B. Nagar, Police Station,

Cyberbad Commissionerate at L.B. Nagar, R.R.Dist.

3 2CCs to the G.P for Home, High Court Buildings,

Hyderabad(O.U.T).

4 2CD copies.